

**STATE WATER RESOURCES CONTROL BOARD
RESOLUTION NO. 2005-**

**ADOPTING EMERGENCY REGULATIONS AMENDING WATER RIGHT AND
WATER QUALITY CERTIFICATION FEE SCHEDULES IN TITLE 23, DIVISION 3,
OF THE CALIFORNIA CODE OF REGULATIONS**

WHEREAS:

1. Pursuant to Water Code section 1058, the State Water Resources Control Board (State Water Board) has the authority to adopt regulations to carry out its powers and duties under the Water Code.
2. In Fiscal Year 2005-2006, the Budget Act requires the State Water Board's water rights program and the water rights fee collection efforts of the State Board of Equalization to be supported by fee revenues amounting to \$9.588 million. The State Water Board estimates that mid-year budget adjustments will increase this amount to \$9.716 million.
3. Chapter 5 of the Water Code (commencing with section 1525) and Water Code section 13160.2 require the State Water Board to adopt emergency regulations revising and establishing fees to be deposited in the Water Rights Fund in the State Treasury, and allow the State Water Board to revise fees for water quality certification. The emergency regulations may include provisions concerning the administration and collection of the fees.
4. The water right fee regulations must be adopted to implement the fee revenue requirement in the Budget Act.
5. The State Water Board must set a fee schedule that will generate revenues in the amount the Budget Act sets for specified regulatory activities. The State Water Board may adjust annual fees for Fiscal Year 2005-2006 because fee revenues from Fiscal Year 2003-2004 and Fiscal Year 2004-2005 were greater than the revenue levels set forth in the Budget Act.
6. State Water Board staff prepared recommended revisions to the State Water Board's water right and water quality regulations to implement the Water Code and the requirements of the Budget Act.
7. The water right and water quality certification fee regulations and schedules will be contained in division 3 of title 23 of the California Code of Regulations.

8. The State Water Board heard comments on the staff proposal at a public workshop conducted on September 7, 2005, and received written comments from interested persons.
9. These emergency regulations will take effect upon filing with the Secretary of State.

THEREFORE BE IT RESOLVED THAT:

The State Water Board adopts emergency regulations revising division 3 of title 23 of the California Code of Regulations as recommended by staff to implement the Water Code and provisions of the 2005 Budget Act.

CERTIFICATION

The undersigned Clerk to the Board does hereby certify that the foregoing is a full, true, and correct copy of a resolution duly and regularly adopted at a meeting of the State Water Resources Control Board held on September 22, 2005.

DRAFT

Debbie Irvin
Clerk to the Board